

190 - Board of Indust Insurance Appeals

A002 Hearings

The Hearings Section schedules and conducts formal hearings on all contested issues raised in an appeal. Hearings are formal legal proceedings following the civil rules applicable in the Superior Courts of Washington. At the conclusion of the hearings and the closing of the record, a judge will issue a written proposed decision and order containing findings of fact and conclusions of law on all contested issues. If a party disagrees with the proposed decision issued by a hearing judge, the party can petition the three-member board to review the decision. In the review program, judges assist board members in determining the appropriate action to take on petitions. Judges review the petition and the entire record of proceeding, then make recommendations to the board. If the board votes to review a proposed decision, the review judge will draft the final decision and order for the board members' approval.

	FY 2010	FY 2011	Biennial Total
FTE's	115.4	115.0	115.2
GFS	\$0	\$0	\$0
Other	\$13,956,000	\$13,896,000	\$27,852,000
Total	\$13,956,000	\$13,896,000	\$27,852,000

Statewide Result Area: Improve the economic vitality of businesses and individuals

Statewide Strategy: Return unemployed, underemployed or injured workers to work

Expected Results

Hearings judges will average 10 or fewer cases that have not been resolved within six months of assignment to the judge. At least 90 percent of the proposed decisions and orders will be issued no later than 60 days after the close of the record and receipt of all transcripts and dispositions. Review judges will perform complete file reviews and provide a memo with recommendations to board members within ten days of receipt of a petition for review. They will also provide drafts of decision and order to board members within 40 days of an order granting the petition for review.

Average cost per final order				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	\$1,350		
	4th Qtr	\$1,350		
2007-09	8th Qtr	\$1,400		
	4th Qtr	\$1,350	\$1,332	\$(18)
2005-07	8th Qtr	\$1,260	\$1,325	\$65
	4th Qtr	\$1,220	\$1,131	\$(89)
<i>Orders of the Board of Industrial Insurance Appeals.</i>				

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

Average number of weeks to resolve industrial insurance appeals.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	34		
	7th Qtr	34		
	6th Qtr	34		
	5th Qtr	34		
	4th Qtr	34		
	3rd Qtr	34		
	2nd Qtr	34		
	1st Qtr	34		
2007-09	8th Qtr	34		
	7th Qtr	34		
	6th Qtr	34	33.5	(0.5)
	5th Qtr	34	33.8	(0.2)
	4th Qtr	34	34.1	0.1
	3rd Qtr	34	34.2	0.2
	2nd Qtr	34	34.7	0.7
	1st Qtr	34	35.8	1.8
2005-07	8th Qtr	37	33.7	(3.3)
	4th Qtr	37	33.6	(3.4)

Percentage of cases successfully resolved without appeal to Superior Court				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	97%		
	4th Qtr	97%		
2007-09	8th Qtr	96%		
	4th Qtr	96%	97.2%	1.2%
2005-07	8th Qtr	96%	96.7%	0.7%
	4th Qtr	96%	96.8%	0.8%

Total number of final orders issued.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	13,400		
	4th Qtr	13,400		
2007-09	8th Qtr	13,100		
	4th Qtr	13,100	13,403	303
2005-07	8th Qtr	13,100	12,587	(513)
	4th Qtr	13,100	13,186	86
<i>Orders if the Board of Industrial Insurance Appeals.</i>				

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

A003 Mediation

The Mediation Program focuses on assisting parties in understanding the appeal process and reaching an agreed resolution, if possible. Unrepresented appellants are given an opportunity to discuss the issues involved in their appeal in an informal setting with a judge and a representative from the other party. Judges are trained mediators who have extensive knowledge of workers' compensation and other areas of the law, as well as in the practices and procedures of the Board. These skills and specialized knowledge are used to assist the parties in exploring options for resolution of the appeal.

	FY 2010	FY 2011	Biennial Total
FTE's	44.1	44.0	44.1
GFS	\$0	\$0	\$0
Other	\$4,480,000	\$4,594,000	\$9,074,000
Total	\$4,480,000	\$4,594,000	\$9,074,000

Statewide Result Area: Improve the economic vitality of businesses and individuals

Statewide Strategy: Return unemployed, underemployed or injured workers to work

Expected Results

Schedule and hold the first mediation event within six and one-half weeks of assignment to the judge. Resolve appeal by agreement of the parties or send on to hearings within 100 days of assignment to the judge. Orders on agreement of the parties will be issued within three business days.

Average cost per final order				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	\$1,350		
	4th Qtr	\$1,350		
2007-09	8th Qtr	\$1,400		
	4th Qtr	\$1,350	\$1,332	\$(18)
2005-07	8th Qtr	\$1,260	\$1,325	\$65
	4th Qtr	\$1,220	\$1,131	\$(89)
Orders of the Board of Industrial Insurance Appeals.				

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

Average number of weeks to resolve industrial insurance appeals.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	34		
	7th Qtr	34		
	6th Qtr	34		
	5th Qtr	34		
	4th Qtr	34		
	3rd Qtr	34		
	2nd Qtr	34		
	1st Qtr	34		
2007-09	8th Qtr	34		
	7th Qtr	34		
	6th Qtr	34	33.5	(0.5)
	5th Qtr	34	33.8	(0.2)
	4th Qtr	34	34.1	0.1
	3rd Qtr	34	34.2	0.2
	2nd Qtr	34	34.7	0.7
	1st Qtr	34	35.8	1.8
2005-07	8th Qtr	37	33.7	(3.3)
	4th Qtr	37	33.6	(3.4)

Percentage of cases successfully resolved without appeal to Superior Court				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	97%		
	4th Qtr	97%		
2007-09	8th Qtr	96%		
	4th Qtr	96%	97.2%	1.2%
2005-07	8th Qtr	96%	96.7%	0.7%
	4th Qtr	96%	96.8%	0.8%

Total number of final orders issued.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	13,400		
	4th Qtr	13,400		
2007-09	8th Qtr	13,100		
	4th Qtr	13,100	13,403	303
2005-07	8th Qtr	13,100	12,587	(513)
	4th Qtr	13,100	13,186	86
<i>Orders if the Board of Industrial Insurance Appeals.</i>				

Grand Total

	FY 2010	FY 2011	Biennial Total
FTE's	159.5	159.0	159.3
GFS	\$0	\$0	\$0
Other	\$18,436,000	\$18,490,000	\$36,926,000
Total	\$18,436,000	\$18,490,000	\$36,926,000